

REMARKS

Claims 1-17 were pending at the time of the Office Action. Claims 3-4, 6-8 and 11-13 have been withdrawn from consideration. In this Amendment, claim 5 has been cancelled and claims 1, 3, 14, 15, 16 and 17 have been amended to clarify an aspect of the invention. Support is found in, for example, paragraphs [0137]-[0141] of the application-as-published. Claims 1-2, 9-10 and 14-17 are currently pending for examination. Care has been exercised not to introduce new matter.

Rejections of Claims Under 35 U.S.C. § 102

Claims 1, 2, 5, 9, 10, and 14-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kambayashi et al (U.S. PG Pub 2003/0004888 A1, hereinafter "Kambayashi"). The rejection is respectfully traversed for the following reasons.

Amended claims 1, in pertinent part, recites as follows:

"1. An output time management apparatus comprising:

an output time management means for acquiring a specific object data, a time management program for controlling an output of said specific object data, and an upper limit time for which the output of said object data is permitted, from data stored in a removable storing medium

a time counter for measuring an accumulation time representing the time elapsed from start of outputting the specific object data from the output time management apparatus,

a comparator for comparing said upper limit time for said specific object data and said accumulation time for said object data measured by said time counter, and

a controller for executing said time management program acquired by said output time management means and outputting said specific object data based on said time management program, and after the comparison by said comparator, suspending the output of said specific object data when it is found that said accumulation time reaches said upper limit time."

As disclosed in Figs. 1 and 11, one example of what is recited in claim 1, the time counter 208 starts to count the time for which the object data A is displayed on CRT 207. At the same time, comparator 210 starts to compare the upper limit time and the accumulation time measured by time counter 208, and controller 205 monitors whether the accumulation time measured by time counter 208 reaches the upper limit time (Step 63). If the comparison by comparator 210 finds that the accumulation time measured by time counter 208 reaches the upper limit time (Step 64), controller 205 forcibly suspends the display of the object data A on CRT 207 (Step 66). At the same time, controller 205 erases the object data A from the memory card 417. (See paragraphs [0137]-[0141] of the application-as-published)

Kambayashi fails to disclose the limitations of claim 1 regarding “an upper limit time for which the output of said object data is permitted,” “an accumulation time representing the time elapsed from start of outputting the specific object data,” and “an output time management means for acquiring ...a time management program for controlling an output of said specific object data ...from data stored in a removable storing medium.”

Kambayashi’s decision section 103d compares the clock time (current time) acquired from the clock reference section 103e with the expiration date. The expiration date is an expiration date of accounting object information corresponding to a predetermined fee paid by the user. The expiration date does not indicate a period for which the accounting object information is displayed on a display, but indicates a specific date on which the accounting object information expires. (See paragraphs [0240]-[0244]) In contrast, the “upper limit time” in claim 1 is a period “for which the output of said object data is permitted.” As disclosed in TABLE 1, one example of the “upper limit time”, the object data is displayed for 56 hours with

respect to Rank A and for 28 hours with respect to Rank B. (See paragraphs [0087] and [0137]-[0141] of the application-as-published)

Next, Kambayashi's clock time, which is compared with the expiration date, indicates a current time acquired from the clock reference section 103e. The clock time is not related to any accumulated time during which the accounting object information is displayed on a display. In contrast, the "accumulation time represent[ing]s the time elapsed from start of outputting the specific object data from the output time management apparatus." As disclosed in paragraph [0139] of the application-as-published, one example of what is recited in claim 1, the accumulation time indicates the time for which the object data A is displayed on CRT 207.

Finally, Kambayashi does not obtain any program or instructions that controls the expire of the accounting information data from the outside of the information reproduction apparatus. In contrast, claim 1 requires "a time management program for controlling an output of said specific object data " to be acquired "from data stored in a removable storing medium."

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Kambayashi does not anticipate claim 1, nor claims dependent thereupon.

Amended claims 14-17 recites the same limitations as claim 1 regarding "an upper limit time for which the output of said object data is permitted," "an accumulation time representing the time elapsed from start of outputting the specific object data," and "an output time management means for acquiring ...a time management program for controlling an output of

said specific object data ...from data stored in a removable storing medium.” Therefore, claims 14-17 have novelty over Kambayashi for the same reasons as claim 1.

Rejections of Claims Under 35 U.S.C. § 103

Claims 1, 2, 5, 9, 10, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (U.S. Pat No. 5,629,980, hereinafter “Stefik”) and Nagai et al. (U.S. Pat. No. 6,754,442, hereinafter “Nagai”) in view of Kambayashi. The rejection is respectfully traversed for the following reasons.

The proposed combination of Stefik, Nagai and Kambayashi fails to disclose the limitations of claims 1 and 14-17 regarding “an upper limit time for which the output of said object data is permitted,” and “an output time management means for acquiring ...a time management program for controlling an output of said specific object data ...from data stored in a removable storing medium.”

As addressed above, Kambayashi fails to disclose the limitations of claims 1 and 14-17 regarding “an upper limit time for which the output of said object data is permitted,” and “an output time management means for acquiring ...a time management program for controlling an output of said specific object data ...from data stored in a removable storing medium.”

Turning to Stefik, the time specification controls the duration for which a usage right is exercised. Stefik’s expiration date is a moment at which the exercise of the usage right ends. Stefik does not permits an output of data, but stops exercise of the usage rights at the expiration date. (See column 21, lines 46-61) In contrast, the “upper limit time” in claims 1 and 14-17 is a period “for which the output of said object data is permitted.” The upper limit time determines

display of the object data on the CRT 207. (See paragraphs [0087] and [0137]-[0141] of the application-as-published)

Next, Stefik does not obtain any program or instructions that controls the expire of the accounting information data from the outside of the repository 201 and the credit server 301. In contrast, claim 1 requires “a time management program for controlling an output of said specific object data “ to be acquired “from data stored in a removable storing medium.”

In addition, Nagai, which was cited for the removable storing medium, fails to cure deficiencies of Kambayashi and Stefik.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the proposed combination of Stefik, Nagai and Kambayashi fails to do so, it is respectfully submitted that claims 1 and 14-17 and claims dependent thereupon are patentable over the combination of combination of Stefik, Nagai and Kambayashi.

Conclusion

Upon entry of the above claim amendments, claims 1-2, 9-10 and 14-17 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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